

0-10-35

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 7697 ("THE ZONING ORDINANCE") TO RESTRICT THE PLACEMENT OF NEW ELECTRONIC CHANGEABLE COPY SIGNS TO CERTAIN DISTRICTS WITHIN THE CITY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of North Little Rock ("City") regulates signs, including electronic changeable copy signs, through Ordinance No. 7697 ("The Zoning Ordinance"); and

WHEREAS, the City Council finds and acknowledges that several cities throughout the United States have declared moratoriums on electronic changeable copy signs in order to establish a proper regulatory framework of time, place, and manner restrictions on such signs; and

WHEREAS the City Council acknowledges the case of *City of Ladue v. Gilleo*, where the United States Supreme Court specifically authorized cities to regulate the physical characteristics of signs; and

WHEREAS, the City Council acknowledges the case of *La Tour v. City of Fayetteville, Arkansas*, where the Eighth Circuit Court of Appeals authorized reasonable restrictions on the use of light-emitting signs; and

WHEREAS, on April 27, 2009, the City established a moratorium on the issuance of permits for electronic changeable copy signs through the adoption of Resolution No. 7453 in order to study relevant issues concerning this type of signs; and

WHEREAS, an informal committee was formed to investigate applicable requirements for electronic changeable copy signs with a mission to establish appropriate regulations for the same; and

WHEREAS, the committee's study has required extension of the moratorium from time-to-time; and

WHEREAS, after numerous public hearings, site visits, inspections, and examination of nationwide studies, the committee has determined that it is important for electronic sign regulations to be established at a point of regulatory balance among individual rights, commercial development, and public interests such as: aesthetic appearance, traffic safety, fair competition, light pollution, and sanctity of homes within the community; and

WHEREAS, the City Council finds that new technology has emerged which allows vivid and detailed images to be displayed on electronic changeable copy signs

("ECCS") with a focus and intensity that may present an increased safety hazard to the community by distracting traveling motorists; and

WHEREAS, the City Council finds that the traffic safety problems created by ECCSs may be reduced by decreasing the size of signs, the height of signs, the brightness of signs, the rate at which signs are allowed to change copy, and similar considerations; and

WHEREAS, the City Council finds that regulations governing the size of signs, height of signs, brightness of signs, rate at which sign are allowed to change copy, and similar considerations of an ECCS should be tailored to specific areas within the City based on street design, commercial density, topography, frequency of vehicular accidents, and similar considerations; and

WHEREAS, the City Council finds that in order to further understand the effect of ECCSs on traffic safety, the City should allow ECCSs in selected areas for a restricted period of time so that they may be studied further; and

WHEREAS, the City Council finds that the focused light that is emitted from some ECCSs is capable of traveling significant distances and interfering with the use and enjoyment of residential homes; and

WHEREAS, the City Council finds that the nuisance of ECCSs to residential areas can be reduced by regulating the size of signs, height of signs, brightness of signs, the rate at which signs are allowed to change copy, the direction each sign is pointed, the shielding of emitted light from residential areas, and similar considerations; and

WHEREAS, the City Council finds that regulations governing the size of signs, height of signs, brightness of signs, rate at which signs are allowed to change copy, the direction each sign is pointed, the shielding of emitted light from residential areas, and similar considerations of an ECCS should be tailored to specific areas within the City based on the distance and direction of residences from sites where the ECCSs would be authorized; and

WHEREAS, the City Council finds that in order to further understand the effect of ECCSs on residential neighborhoods, the City should allow ECCSs in selected areas for a restricted period of time so that they may be studied further; and

WHEREAS, the City Council finds that the excessive proliferation of ECCSs may result in visual blight and light pollution; and

WHEREAS, the City Council finds that in order to further understand the effect of ECCSs on visual blight and light pollution, the City should allow ECCSs in selected areas for a restricted period of time so that they may be studied further; and

WHEREAS, the City Council finds that the bright and changing light from ECCSs detract from the aesthetic beauty and significance of historic areas within the City such that ECCSs should be prohibited in such areas; and

WHEREAS, the City Council finds that the proper use of electronic changeable copy signs may enhance commerce by directing consumers to specific areas within the City; and

WHEREAS, the City Council finds that the current high cost and marketing value of electronic changeable copy signs may create a competitive disadvantage to small businesses that are valued by our community; and

WHEREAS, the City Council finds that in order to further understand the effect of ECCSs on small businesses, the City should allow ECCSs in selected areas for a restricted period of time so that they may be studied further; and

WHEREAS, based upon the findings stated above, the committee has determined that the most prudent manner to regulate new electronic changeable copy signs is to prohibit them in all areas of the City, except those areas where the use of electronic changeable copy signs present a greater benefit to society than the burden imposed, and then for such reasonable periods of time that afford the continual study and refinement of regulations; and

WHEREAS, the committee has determined that electronic changeable copy signs are more appropriate where: (1) little or no residential property is present, (2) few traffic accidents regularly occur; (3) no historic district or property is present, and (4) the installation of electronic changeable copy signs is consistent with the stated aesthetic goal for the area; and

WHEREAS, through adoption of this ordinance, the City Council shall prohibit any person from erecting an electronic changeable copy sign or possessing an electronic changeable copy sign that did not exist prior to the enactment of the ordinance, unless authorized by a permit properly issued by the City; and

WHEREAS, the City Council finds that, given the high cost of an ECCS, any person requesting a permit for an ECCS should be afforded the opportunity to acquire a permit that endures for up to ten (10) years; and

WHEREAS, the City Council finds that, given the current uncertainty of the evolving technology supporting ECCSs and the legal standards that will apply to the same, no ECCS shall be permitted for a period of greater than ten (10) years.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That certain definitions found in Section 2.2 of Ordinance No. 7697 (“the Zoning Ordinance”) are hereby AMENDED as follows:

Billboard: ~~any sign~~ an off-premises sign.

Sign, changeable copy (electronic): A sign whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed surface composed of electrically illuminated or mechanically driven changeable segments, and such content is changed more frequently than once during any six (6) hour interval.

Sign, off-premises: A sign or structure for the display of advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured or furnished at the property on which the sign is located, e.g., billboards or outdoor advertising.

*Editor's note: Underline indicates language ADDED to the current definition.
~~Strikethrough~~ indicates language deleted from the code.*

SECTION 2: That there is hereby ADDED a subsections E and F to Section 14.6 of the Zoning Ordinance which shall state as follows:

Section 14.6 - Nonconforming Signs and Sign Uses

E. Maintenance of nonconforming electronic changeable copy signs:

Existing electronically changeable copy signs may be maintained; provided that such maintenance shall not result in relocation, physical enlargement in any way, increased brightness, or increased rate of copy change, of the electronic changeable copy sign.

F. Replacement of nonconforming electronic changeable copy signs:

Any replacement of an existing electronic changeable copy sign shall require a new permit and shall meet the requirements that are in existence at the time the permit is issued.

SECTION 3: That section 14.10 of the Zoning Ordinance is hereby amended as follows:

Section 14.10 – ~~Reserved~~ Non-commercial Message

Every sign that is authorized under this code to display a commercial message is also authorized to display a non-commercial message.

*Editor's note: Underline indicates language ADDED to the current definition.
~~Strikethrough~~ indicates language deleted from the code.*

SECTION 4: That subsection H of section 14.16 of the Zoning Ordinance is hereby AMENDED as follows:

H. Duration of permits.

1. Permits for on-premise signs, other than electronic changeable copy signs, shall ~~are to~~ be issued for a period of one year. All sign owners ~~are required to~~ shall renew their sign permits every year prior to January 31 of the year. Any sign not permitted within the month of January of the year shall be classified as abandoned. On-premise signs with expired permits are illegal and shall be removed by the sign owner at his expense. Permits shall be transferable to any subsequent owner of the property on which the sign is located.
2. Permits for electronic changeable copy signs shall be issued for a period of ten (10) years, as requested by the owner. No permit for an electronic changeable copy sign may be renewed unless, at the time of renewal, the sign complies with all applicable rules, regulations, and ordinances of the City. On-premise signs with expired permits are illegal and shall be removed by the sign owner at his expense. Permits shall be transferable to any subsequent owner of the property on which the sign is located.

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SECTION 5: That Section 14.18 of the Zoning Ordinance is hereby AMENDED as follows:

Section 14.18-Illegal Lighting

Unless otherwise specified by this chapter, all signs may be illuminated. However, no sign regulated by this chapter may utilize:

- A. Any light that interferes with the safe operation of a vehicle on the public rights-of-way.
- B. Any light that unreasonably interferes with the use and enjoyment of residential property within the municipal boundary of the City.
- C. An exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion.
- D. Any exposed incandescent lamp in excess of 300 watts.

- E. Any revolving beacon light.
- F. Any device that allows oscillating, rotating or flashing lights.
- G. Animation manifesting either kinetic or illusionary motion occasioned by a natural, manual, mechanical, electrical or other means.
- H. The illusion of movement by means of a preprogrammed (repetitious or sequential) switching action in which illuminated elements of the sign are turned off or on to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.
- I. Illumination shall not be greater than that authorized under applicable zoning restrictions as found in Sections 14.22 through 14.25.
- J. The use of white light on any sign illuminated by Light Emitting Diodes, or substantially similar technology, that comprises more than twenty-five per cent (25%) of the illuminated portion of the sign.
- K. Any sign illuminated by Light Emitting Diodes, or substantially similar technology, shall not emit light greater than the level authorized under Section 14.19(D)(1)(a).

Editor's note: Underline indicates language ADDED to the code.

SECTION 6: That Section 14.19 of the Zoning Ordinance is hereby deleted in its entirety and replaced as follows:

Section 14.19 - Electronic Changeable Copy Signs

- A. Electronic changeable copy signs are prohibited except as specifically authorized within specified sign overlay districts.
- B. Sign overlay districts which allow Electronic Changeable Copy Signs may be created from time to time upon determination by the City Council that the signs may be generally regulated in such a manner that is consistent with the public interest in protecting traffic safety, upholding aesthetic appearance, minimizing the intrusion of light into residential homes, and other important interests. Sign overlay districts permitting Electronic Changeable Copy Signs shall only be considered along minor or principal arterial streets, and interstate – freeways, where:
 - 1. little or no residential property is present;
 - 2. few traffic accidents regularly occur;
 - 3. no historic site, property, or district is present; and
 - 4. the installation of electronic changeable copy signs is consistent with the aesthetic goal for the area.

- C. Sign overlay districts permitting the installation of Electronic Changeable Copy Signs shall regulate both sides of a street and may specifically regulate height, width, mass, brightness, setback, spacing, orientation, rate of change or other characteristics relevant to the particular district. No district shall be established, repealed or modified for the purpose of authorizing or banning a single sign.
- D. Electronic Changeable Copy Signs located within a sign overlay district shall comply with the standards listed within the applicable district. Electronic Changeable Copy Signs shall also comply with the standards listed below to the extent that they do not conflict with the standards of the applicable district.

1. Display Characteristics

a. Light Emissions. The light emitted by an electronic changeable copy sign shall not increase area illumination by more than 0.3 foot candles above ambient levels as measured by a foot candle meter at the distance and using the method described in this section. Existing signs shall not be exempt from the requirements of this subsection or entitled to variance from the same by Section 14.6.

The reading should be taken with the meter aimed directly at the digital sign at the appropriate pre-set distance. Measurement distance criteria shall be as follows:

Size of Sign		Approximate distance between sign and measurement device
a.	0 – 350 square feet	150 feet
b.	351-650 square feet	200 feet
c.	651-100 square feet	250 feet
d.	Over 1000 square feet	350 feet

Measurements of ambient light and sign output may be taken at any time. Nighttime measurements shall be taken no less than 30 minutes past sunset and no more than 30 minutes prior to sunrise.

Ambient light shall be determined using a foot candle meter at the appropriate distance as indicated in this section while the electronic changeable copy sign is off or displaying all black copy. Increased ambient light caused by the electronic changeable copy sign shall be determined by using the same meter at the same location after causing the electronic changeable copy sign to show full white copy. If the difference in the two readings is greater than 0.3 foot candles, then the light emitted

by the electronic changeable copy sign exceeds the level authorized by this section.

b. Movement. The illusion of movement by means of a preprogrammed (repetitious or sequential) switching action in which illuminated elements of the sign are turned off or on to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns, is prohibited.

c. Rate of Change. No electronic changeable copy sign shall change copy more frequently than once during any fifteen (15) second interval. No electronic changeable copy sign shall change copy more frequently than the time allowed in the applicable overlay district. Electronic changeable copy signs that only display the time, temperature, or both the time and the temperature, may change at real time.

2. Physical Characteristics. Unless provided otherwise within a district, electronic changeable copy signs shall have the following physical characteristics in addition to all construction specifications and location restrictions applicable to other signs (See Sections 14.20 through 14.25):

a. Electronic changeable copy signs that are located on streets with two vehicular traffic lanes.

1. Ground Mounted Signs (Monument). No freestanding (pole) signs or wall signs permitted.

2. Height. Signs shall be limited to a maximum of six (6) feet in height.

3. Square footage. Signs shall be limited to a maximum of 32 square feet. The area of the electronic changeable copy portion of the sign shall not exceed 75 percent of the total square footage.

4. Location. Signs shall be located a minimum of five (5) feet and maximum of ten (10) feet from a property line along a vehicular traffic lane. No electronic changeable copy sign may be located closer than 150 feet to any residence.

5. Orientation. Signs shall be perpendicular to the right-of-way.

6. Number of signs. Electronic changeable copy signs shall be limited to one per property.

b. Electronic changeable copy signs that are located on streets with four vehicular traffic lanes.

1. Ground Mounted Signs (Monument). No freestanding (pole) signs or wall signs permitted.
2. Height. Signs shall be limited to a maximum of six (6) feet in height.
3. Square footage. Signs shall be limited to a maximum of 48 square feet. The area of the electronic changeable copy portion of the sign shall not exceed 75 percent of the total square footage.
4. Location. Signs shall be located a minimum of five (5) feet and maximum of ten (10) feet from a property line along a vehicular traffic lane. No electronic changeable copy sign may be located closer than 200 feet to any residence.
5. Orientation. Signs shall be perpendicular to the right-of-way.
6. Number of signs. Electronic changeable copy signs shall be limited to one per property.

c. Electronic changeable copy signs that are located on streets with four vehicular traffic lanes with a median greater than 30 feet in average width.

1. Ground Mounted Signs (Monument). No freestanding (pole) signs or wall signs permitted.
2. Height. Signs shall be limited to a maximum of ten (10) feet in height.
3. Square footage. Signs shall be limited to a maximum of 64 square feet. The area of the electronic changeable copy portion of the sign shall not exceed 75 percent of the total square footage.
4. Location. Signs shall be located a minimum of five (5) feet and maximum of ten (10) feet from a property line along a vehicular traffic lane. No electronic changeable copy sign may be located closer than 250 feet to any residence.

5. Orientation. Signs shall be perpendicular to the right-of-way.
6. Number of signs. Electronic changeable copy signs shall be limited to one per property.
- d. Electronic changeable copy signs that are located on interstates and access roads to interstates.
 1. Height. Freestanding signs are permitted to a maximum height of eighteen feet (18').
 2. Square footage. Signs shall be limited to a maximum of 84 square feet.
 3. Location. Signs shall be located a minimum of five (5) feet and maximum of ten (10) feet from a property line along a vehicular traffic lane. No electronic changeable copy sign may be located closer than 300 feet to any residence.
 4. Number of signs. Electronic changeable copy signs shall be limited to one per property.
 5. Rate of Change. No electronic changeable copy signs shall change copy more frequently than once during any thirty (30) second interval.

SECTION 7: That there is hereby ADDED a subsection D to Section 14.26 of the Zoning Ordinance which shall state as follows:

D. No off-premises or billboard sign, or any portion thereof, shall be an electronic changeable copy sign.

SECTION 8: That the following sections are renumbered as indicated:

- A. Section 11.8 is renumbered as Section 14.100
- B. Section 11.9 is renumbered as Section 14.101
- C. Section 11.10 is renumbered as Section 14.102

SECTION 9: That Section 14.31 of the Zoning Ordinance is hereby AMENDED as follows:

Section 14.31 – Sign Overlay Districts.

- A. East Broadway Sign Overlay District – See Section ~~11.8~~ 14.100
- B. Camp Robinson/Pike/Remount Sign Overlay District – See Section ~~11.9~~ 14.101

- C. JFK Sign Overlay District – See Section ~~11.10~~ 14.102
- D. Maumelle Boulevard Sign Overlay District – See Section 14.103
- E. Downtown Sign Overlay District – See Section 14.104
- F. Landers/Warden Road Sign Overlay District – See Section 14.105
- G. MacArthur Drive Sign Overlay District – See Section 14.106
- H. East McCain Sign Overlay District – See Section 14.107

*Editor's note: Underline indicates language ADDED to the code.
~~Strikethrough~~ indicates language deleted from the code.*

SECTION 10: That the Camp Robinson Road Sign Overlay District is hereby renamed the Camp Robinson/Pike/Remount Road Sign Overlay District and amended to AMEND subsections A and F, and to ADD a new subsection G as follows:

Section 14.101 – Camp Robinson/Pike/Remount Road Sign Overlay District

- A. Purpose. The purpose of this overlay district is to improve the appearance of Camp Robinson Road, portions of Remount Road, and portions of Pike Avenue by reducing visual clutter caused by freestanding signs and to provide for the controlled implementation of electronic changeable copy signs consistent with the City's interests of safety, aesthetic appearance, and protection of residential properties.

[Note: Subsections B-E are unaffected by this ordinance.]

- F. ~~Variances. All requests for a variance of the Camp Robinson Road Sign Overlay District will be to the Housing and Building Board of Adjustment (Sign Board).~~ Electronic Changeable Copy Signs. Electronic changeable copy signs are permitted within this district according to the regulations found in Section 14.19 (A)-(C), (D)(1), and (D)(2)(a) or (b) based upon the street classification where the sign is located.
- G. Variances. No variances of this section shall be permitted.

SECTION 11: That the Zoning Ordinance is hereby amended to ADD Section 14.103 providing for the creation of the Maumelle Boulevard Sign Overlay District as follows:

Section 14.103 – Maumelle Boulevard Sign Overlay District

- A. Purpose. The purpose of this overlay district is to improve the appearance of Maumelle Boulevard by reducing visual clutter caused by freestanding signs and to provide for the controlled implementation of electronic changeable copy signs consistent with the City's interests of safety, aesthetic appearance, and protection of residential properties.

- B. District Boundaries. Properties that abut Maumelle Boulevard within the City limits of North Little Rock.
- C. Wall mounted, under-canopy, projecting and awning signs are permitted as allowed in Article 14. Electronic changeable copy signs may not be used as wall signs.
- D. Design Standards for all Signs.
 - 1. Freestanding signs are prohibited.
 - 2. All permitted ground mounted signs shall have a maximum height limit of 10 feet and shall have a setback of 5 feet from any property line, measured from the closest edge of the sign. Ground mounted signs shall not exceed 2 square feet in sign area for each linear foot of main street frontage up to a maximum of 64 square feet. Signs shall not be placed in a sight triangle.
 - 3. Where a building is on a corner and has more than one main street frontage, one additional ground mounted sign shall be permitted on the additional frontage, not to exceed the size limitations of other permitted ground mounted signs, except that no more than one electronic changeable copy sign may be located on any single lot.
 - 4. Illumination shall not violate restrictions found in Section 14.18.
- E. Conformance of all existing Signs.
 - 1. Where a change of business occurs on a single occupant freestanding sign, the sign shall require removal of the freestanding sign which may only be replaced with a ground mounted sign conforming to the district standards.
 - 2. When a change in location of a freestanding sign occurs, it may only be replaced with a ground mounted sign conforming to the district standards.
 - 3. If an existing freestanding sign is destroyed, it may only be replaced with a newly permitted ground mounted sign conforming to the district standards.
 - 4. For existing multi-tenant freestanding signs, a complete change in business of all tenants shall require removal of the freestanding sign which may only be replaced with a ground mounted sign conforming to the district standards.

F. Electronic Changeable Copy Signs. Electronic changeable copy signs are permitted within this district according to the regulations found in Section 14.19 (A)-(C), (D)(1), and (D)(2)(c).

G. Variances. No variances of this section shall be permitted.

SECTION 12: That the Zoning Ordinance is hereby amended to ADD Section 14.104 providing for the creation of the Downtown Sign Overlay District as follows:

Section 14.104 – Downtown Sign Overlay District

A. Purpose. The purpose of this overlay district is to improve the appearance of Downtown area by reducing visual clutter caused by freestanding signs and to provide for the controlled implementation of electronic changeable copy signs consistent with the City's interests of safety, aesthetic appearance, and protection of residential properties.

B. District Boundaries. All properties located South of West Broadway street and between North Broadway Street and Cedar Street that abut principal arterial streets and Interstate-Freeways (as defined in the North Little Rock Master Street Plan) and access roads parallel to Interstate 30, excluding such parcels that lie, in part or in whole, within the Argenta Historic District.

C. Electronic Changeable Copy Signs. Electronic changeable copy signs are permitted within this district according to the regulations found in Section 14.19 (A)-(C), (D)(1), and (D)(2)(b) or (d) based upon the street classification where the sign is located.

D. Variances. No variances of this section shall be permitted.

SECTION 13: That the Zoning Ordinance is hereby amended to ADD Section 14.105 providing for the creation of the Landers/Warden Road Sign Overlay District as follows:

Section 14.105 – Landers/Warden Road Sign Overlay District

A. Purpose. The purpose of this overlay district is to improve the appearance of Landers and Warden road by reducing visual clutter caused by freestanding signs and to provide for the controlled implementation of electronic changeable copy signs consistent with the City's interests of safety, aesthetic appearance, and protection of residential properties.

B. District Boundaries. All properties abutting Landers or Warden Road that lie North of McCain Boulevard within the City limits of North Little Rock.

C. Electronic Changeable Copy Signs. Electronic changeable copy signs are permitted within this district according to the regulations found in Section 14.19 (A)-(C), (D)(1), and (D)(2)(d).

D. Variances. No variances of this section shall be permitted.

SECTION 14: That the Zoning Ordinance is hereby amended to ADD Section 14.106 providing for the creation of the MacArthur Drive Sign Overlay District as follows:

Section 14.106 – MacArthur Drive Sign Overlay District

A. Purpose. The purpose of this overlay district is to improve the appearance of MacArthur Drive by reducing visual clutter caused by freestanding signs and to provide for the controlled implementation of electronic changeable copy signs consistent with the City's interests of safety, aesthetic appearance, and protection of residential properties.

B. District Boundaries. Properties that abut MacArthur Drive within the City limits of North Little Rock.

C. Wall mounted, under-canopy, projecting and awning signs are permitted as allowed in Article 14. Electronic changeable copy signs may not be used as wall signs.

D. Design Standards for all Signs.

1. Freestanding signs are prohibited.

2. All permitted ground mounted signs shall have a maximum height limit of 6 feet and shall have a setback of 5 feet from any property line, measured from the closest edge of the sign. Ground mounted signs shall not exceed 2 square feet in sign area for each linear foot of main street frontage up to a maximum of 64 square feet. Signs shall not be placed in a sight triangle.

3. Where a building is on a corner and has more than one main street frontage, one additional ground mounted sign shall be permitted on the additional frontage, not to exceed the size limitations of other permitted ground mounted signs, except that no more than one electronic changeable copy sign may be located on any single lot.

4. Illumination shall not violate restrictions found in Section 14.18.

E. Conformance of all existing Signs.

1. Where a change of business occurs on a single occupant freestanding sign, the sign shall require removal of the freestanding sign which may only be replaced with a ground mounted sign conforming to the district standards.
 2. When a change in location of a freestanding sign occurs, it may only be replaced with a ground mounted sign conforming to the district standards.
 3. If an existing freestanding sign is destroyed, it may only be replaced with a newly permitted ground mounted sign conforming to the district standards.
 4. For existing multi-tenant freestanding signs, a complete change in business of all tenants shall require removal of the freestanding sign which may only be replaced with a ground mounted sign conforming to the district standards.
- F. Electronic Changeable Copy Signs. Electronic changeable copy signs are permitted within this district according to the regulations found in Section 14.19 (A)-(C), (D)(1), and (D)(2)(a) or (b) based upon the street classification where the sign is located.
- G. Variances. No variances of this section shall be permitted.

SECTION 15: That the Zoning Ordinance is hereby amended to ADD Section 14.107 providing for the creation of the East McCain Sign Overlay District as follows:

Section 14.107 – East McCain Sign Overlay District

- A. Purpose. The purpose of this overlay district is to improve the appearance of East McCain by reducing visual clutter caused by freestanding signs and to provide for the controlled implementation of electronic changeable copy signs consistent with the City's interests of safety, aesthetic appearance, and protection of residential properties.
- B. District Boundaries. Properties that abut East McCain and lie between North Hills Boulevard and Forrester Road within the City limits of North Little Rock.
- C. Wall mounted, under-canopy, projecting and awning signs are permitted as allowed in Article 14. Electronic changeable copy signs may not be used as wall signs.
- D. Design Standards for all Signs.
 1. Freestanding signs are prohibited.

2. All permitted ground mounted signs shall have a maximum height limit of 6 feet and shall have a setback of 5 feet from any property line, measured from the closest edge of the sign. Ground mounted signs shall not exceed 2 square feet in sign area for each linear foot of main street frontage up to a maximum of 64 square feet. Signs shall not be placed in a sight triangle.
3. Where a building is on a corner and has more than one main street frontage, one additional ground mounted sign shall be permitted on the additional frontage, not to exceed the size limitations of other permitted ground mounted signs, except that no more than one electronic changeable copy sign may be located on any single lot.
4. Illumination shall not violate restrictions found in Section 14.18.

E. Conformance of all existing Signs.

1. Where a change of business occurs on a single occupant freestanding sign, the sign shall require removal of the freestanding sign which may only be replaced with a ground mounted sign conforming to the district standards.
2. When a change in location of a freestanding sign occurs, it may only be replaced with a ground mounted sign conforming to the district standards.
3. If an existing freestanding sign is destroyed, it may only be replaced with a newly permitted ground mounted sign conforming to the district standards.
4. For existing multi-tenant freestanding signs, a complete change in business of all tenants shall require removal of the freestanding sign which may only be replaced with a ground mounted sign conforming to the district standards.

F. Electronic Changeable Copy Signs. Electronic changeable copy signs are permitted within this district according to the regulations found in Section 14.19 (A)-(C), (D)(1), and (D)(2)(b).

G. Variances. No variances of this section shall be permitted.

SECTION 16: CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict. To the extent that another ordinance regulating the same subject matter as this ordinance may be read in harmony together, it is the legislative intent of the City Council to impose the

more restrictive standard on the placement of electronic changeable copy signs, even if such interpretation results in the reduction of speech and expression.

SECTION 17: SEVERABILITY. That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions, even if such interpretation results in the reduction of speech and expression.

SECTION 18: EMERGENCY. It is hereby found and determined that the establishment of regulations for electronic changeable copy signs is necessary to terminate a moratorium that has continued for several months and allow the predictable sales and installation of electronic changeable copy signs in North Little Rock in a manner that will not decrease traffic safety, reduce property values, detract from the aesthetic beauty of the City, and infringe upon the sanctity of homes; THEREFORE, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

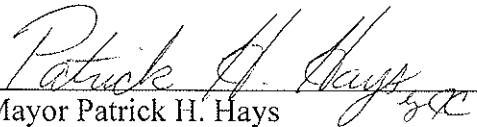
PASSED:

APPROVED:

Mayor Patrick H. Hays

SPONSOR:

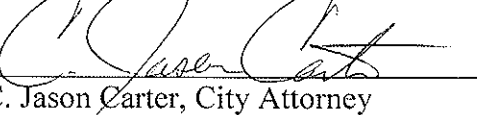
ATTEST:



Mayor Patrick H. Hays

Diane Whitbey, City Clerk

APPROVED AS TO FORM:



C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY

FILED 11:39 A.M. _____ P.M.
BY City Atty Carter
DATE 5-4-12
Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas
RECEIVED by 